

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_

**v.** : **DATE FILED:** \_\_\_\_\_

**BRIAN HEARD** : **VIOLATIONS:**  
21 U.S.C. § 846 (conspiracy to distribute  
cocaine - 1 count)  
21 U.S.C. § 841(a)(1) (distribution of  
cocaine - 4 counts)  
18 U.S.C. § 2342(a) (distribution of  
contraband cigarettes - 2 counts)  
Notice of forfeiture

## COUNT ONE

1. From on or about July 13, 2006, to on or about August 25, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

conspired and agreed with Mark Heard, charged elsewhere, to knowingly and intentionally distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

2. Defendant BRIAN HEARD and his brother, Mark Heard, distributed cocaine in exchange for untaxed cigarettes and cash.

## **OVERT ACTS**

In furtherance of the conspiracy, and to achieve its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. On July 13, 2006, defendant BRIAN HEARD and his brother, Mark Heard, sold approximately two ounces of cocaine to persons known to the United States Attorney, in a garage on the 700 block of North 6th Street, in Philadelphia, for approximately 90 cartons of contraband cigarettes worth approximately \$1,700.

2. On July 27, 2006, defendant BRIAN HEARD and his brother, Mark Heard, sold approximately two ounces of cocaine to persons known to the United States Attorney in a garage on the 700 block of North 6th Street, in Philadelphia, for approximately 100 cartons of contraband cigarettes worth approximately \$1,700.

3. On August 11, 2006, defendant BRIAN HEARD and his brother, Mark Heard, sold approximately two ounces of cocaine to persons known to the United States Attorney in a garage on the 700 block of North 6th Street, in Philadelphia, for approximately \$1,700 cash.

4. On August 25, 2006, defendant BRIAN HEARD and his brother, Mark Heard, sold approximately two ounces of cocaine to persons known to the United States Attorney, in a garage on the 700 block of North 6th Street, in Philadelphia, for approximately \$1,700 cash.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about July 13, 2006, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**BRIAN HEARD**

knowingly and intentionally distributed a mixture and substance containing a detectable amount  
of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT THREE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about July 27, 2006, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**BRIAN HEARD**

knowingly and intentionally distributed a mixture and substance containing a detectable amount  
of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT FOUR**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about August 11, 2006, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**BRIAN HEARD**

knowingly and intentionally distributed a mixture and substance containing a detectable amount  
of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT FIVE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about August 25, 2006, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**BRIAN HEARD**

knowingly and intentionally distributed a mixture and substance containing a detectable amount  
of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (B)(1)(C).

**COUNT SIX**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about July 13, 2006, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**BRIAN HEARD**

knowingly transported, received, and possessed, contraband cigarettes.

In violation of Title 18, United States Code, Section 2342(a).

**COUNT SEVEN**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about July 27, 2006, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**BRIAN HEARD**

knowingly transported, received, and possessed, contraband cigarettes.

In violation of Title 18, United States Code, Section 2342(a).



## **NOTICE OF FORFEITURE**

### **THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 846 set forth in this information, defendant

#### **BRIAN HEARD**

shall forfeit to the United States of America:

(a) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations, and

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations.

2. If any of the property described above as being subject to forfeiture, as a result of any act of omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable

property.

All pursuant to Title 21, United States Code, Section 853.

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**PATRICK L. MEEHAN**  
**UNITED STATES ATTORNEY**